

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center – 28307 Clayton Street, Dagsboro
September 2, 2021

I. Call Meeting to Order:

Chairman Connor called the meeting to order at 6:00 p.m.

Those in attendance were: Chairman Brad Connor, Co-Chairperson Cathy Flowers, Commissioner Cindy Gallimore, Commissioner Earl Savage, Town Administrator Cindi Brought, and Town Engineering Consultant Kyle Gulbranson. Commissioner Audrey Miller was not present. Please see the sign in sheet for others in attendance.

II. Public comment:

Chairman Connor expressed his appreciation to Audrey Miller for serving on the Planning & Zoning Commission. He stated that she would be missed and that they wish her well on her new adventures.

III. Approval of Agenda:

Commissioner Savage made a motion to approve the agenda. Co-Chairperson Flowers seconded the motion. All were in favor.

IV. Approval of Minutes:
July 1, 2021

Commissioner Gallimore made a motion to approve the minutes. Co-Chairperson Flowers seconded the motion. All were in favor.

V. New Business:

- a. Tax Map Parcel 2-33-11.00-253.00; Seabreeze Business Park – Brian Florek & Vista Design, Inc.

Steve Engel, one of the principals of Vista Design, stated that Brian Florek, the property owner, was at a P&Z meeting about a year ago and presented a conceptual plan and he had some particular uses that he was looking to have built on this property. Following that P&Z meeting he contracted with Vista Design to start preparing plans. However, when Vista Design reviewed the Town Code and permitted uses in the Zoning for Town Center District, the uses that Mr. Florek would like to build were not permitted uses in the Town Center Zoning. He stated that they started looking at other avenues, one of which was the potential to re-zone the parcel to Light Industrial since it butts up to another piece of property that is Zoned Light Industrial and Light Industrial allows the uses he would like to build. When Vista Design and Mr. Florek met with Town Administrator Brought and Engineering Consultant Gulbranson they did not think that re-zoning the parcel was a possibility, but had stated that they could possibly add other uses to the Town Center District Code. He stated that some of the uses Mr. Florek is requesting are ones that are going to be possibly proposed and he has additional uses that he would like to be considered.

Brian Florek, the property owner, stated that one use he'd like defined is a Carpentry Shop, which might fall under the Craft Shop use. He stated that the company he wants to build the facility for is his family's company that he started 11 years ago; he builds trophy shelves for displaying different accolades of sports. For that business he would need an office, space for his belongings and space for a carpentry shop, which he felt from the last P&Z meeting was a permitted use.

He also would like to rent out space to maintenance shops whether it is to an electrician, painter, or roofing contractor. He felt that with all the building and the small businesses in the area they were having trouble finding space to operate out of. He felt that Dagsboro was a good location as business owners here could get to Bethany Beach, Fenwick Island, Rehoboth Beach, and Lewes. He was wondering if contractor shops would be a permitted use in the Town Center District.

He stated that this area is big on boat and RV storage and he would like to do an inside storage. It would primarily consist of two pole barns with larger bays that could store a boat or RV.

He felt that it looked like art/photography studios are a permitted use. He does have potential clients interested in space, but is unsure if they are permitted uses. For example, his company, Resort Repairs, a local maintenance repair company and Old Towne Wind Bells, a family owned business consisting of father and son, that make their own wind chimes and bells with the biggest being five inches. They have a foundry in Pennsylvania but also live in Ocean View. A furniture staging business, which is a furniture staging business for various homes, is looking for facilities to store their belongings in for when they stage homes. He stated that he is aware there is an overabundance of bicycle shops in the Bethany area, but if a bicycle repair shop was permitted. Engineering Consultant Gulbranson stated that a bicycle shop is a permitted use in the Town Center District.

Steve Engel stated that Mr. Florek had inquired about an indoor sports facility. Mr. Engel stated that there is a place in Berlin that is an indoor baseball camp. They have an indoor field and batting cages that the kids train in off season and inclement weather. Mr. Florek stated that he would like to turf an entire field that could be used for soccer or lacrosse. He has tried to get facilities inside at Indian River to do training sessions with some of the kids and it is impossible. Town Administrator Brought and Engineering Consultant Gulbranson stated that they both thought that was an accepted use. Mr. Florek stated that he had discussed noise and keeping the levels down. He also inquired about an automotive restoration or repair shop; he stated that if it is an indoor shop the noise level would be quieter.

Co-Chairperson Flowers stated that a lot of what he was thinking about isn't going to be open and making noise 24/7, it would mostly be during the day. She asked if he knew how the bells were made do they pour it into a mold. Mr. Florek stated that he believed that was correct.

Engineering Consultant Gulbranson stated that recreational facilities and outdoor recreational facilities are a permitted use. Discussion has been going on for quite a while about the permitted uses in the Town Center District and it was drafted twelve years ago so it was probably time to look at the permitted uses and see if they are still relevant or not. He stated that this is an opportunity as the applicant has come with challenges as to what is permitted and what is not permitted. A list of permitted uses in the Town Center District of surrounding towns was presented to the P&Z Commission by Engineering Consultant Gulbranson. He stated that the P&Z Commission should review the list and consider what Mr. Florek has presented and requested as permitted uses. He stated that recently the Town encountered a situation concerning the terminology in the Town Center District with the term

“beverage sales” being a permitted use and a liquor store was entertained and issues arose. He felt that some clean up needs to be done in the Code. There may be permitted uses currently in the Town Center Zoning that you don’t want in the Town Center and some uses that you may want to add. He stated that Mr. Florek is talking about contractor/warehousing type storage facilities with offices. The Town Center District has that with Charles Moon Plumbing and Morse Roofing. They both have office space and store their equipment. He stated that there were problems with Charles Moon Plumbing in the past, but have since improved and Morse Roofing is doing an incredible job at their location. Town Administrator Brought stated that the only complaint on Morse Roofing is received calls about their dumpsters from some neighbors; they don’t like looking at them. Engineering Consultant Gulbranson stated that Charles Moon Plumbing was supposed to screen in the dumpsters and the attempt was made with plants, but failed as they all died. Town Administrator Brought stated that it has been an ongoing problem. They said he would address it, but it still hasn’t happened.

Engineering Consultant Gulbranson stated that P&Z Commission should review the uses from the other towns. A lot of it is artisans and crafters and he felt the foundry would fit into that category. He stated that it is not listed in the Dagsboro Town Center District regulations. Once reviewed, some new uses could be presented as recommendations for the Town Council. There would have to be a Zoning Code change, which includes a Public Hearing, and this would help these gentlemen move forward with their project. Co-Chairperson Flowers asked Mr. Gulbranson if that would be time consuming, which could slow down their plans. Engineering Consultant Gulbranson stated that hopefully they will go through this process concurrently. They are submitting a Conceptual Plan for your review to see if you like it. AECOM reviewed it and it does meet all the requirements for Town Center District as presented. The only issue is a tax ditch maintenance easement that they need to get reduced and if that doesn’t happen it could cause some issues with their Conceptual Plan and things would need to be re-configured. It is now only a matter of what uses can go into those buildings.

Mr. Engel stated that at the end of the day they can proceed with the plans and it is just what uses can go in the buildings. Chairman Connor asked how to make the Code broad enough so that every time Mr. Florek gets a potential client with a new idea, he doesn’t have to check to see if it is a permitted use. Engineering Consultant Gulbranson stated that the list needs to be as comprehensive as possible. If you look at the uses and some of the terminology, you don’t even hear of it any longer.

Engineering Consultant Gulbranson stated that he recommends that the Planning & Zoning Commission review the list of examples of permitted uses in the Town Center District of the surrounding towns. At the October P&Z meeting a list should be drafted and put into Ordinance format for submission to the Town Council for their blessing. If agreed upon, a Public Hearing should be scheduled and then once approved; it would be an Ordinance Amendment to the Town Center District.

Co-Chairperson Flowers stated that she has a concern about the entrance and exit on the Conceptual Plan as traffic backs up both ways. She also asked if the batting cages would be open to the public as she felt that a lot of people would be interested in those and if that would be permitted. She felt that it would be neat to have this type of facility in Town. Engineering Consultant Gulbranson stated that he felt that if they came with that use, it would be ok under the permitted uses. It may need to be clearer in the Code and maybe actually say batting cages.

Commissioner Savage inquired about noise because of the neighbors all around where the entrance and exit would be. He asked if would there be trucks be coming in at 2 o'clock in the morning. Mr. Florek stated, "no," if there were trucks going in and out that it would be during daytime working hours. Engineering Consultant Gulbranson asked if in regard to the boat and RV storage, "would it be for personal use?" The Town has not been real keen on allowing mini storage. Mr. Florek stated that it would be for personal use and it would be taller pole buildings with big bays that could fit an RV and that he was not looking to do a mini or small storage facility. Engineering Consultant Gulbranson stated that there was an interest in putting an RV and boat storage facility on the North side of Town, in the Town Center District, but in a fenced in outdoor area and it was frowned upon.

Commissioner Savage asked if they anticipated any problems with getting the easement for the tax ditch getting reduced from 80 feet to 50 feet. Mr. Engel stated, "no," they have already talked to them and it is just a matter of DNREC going through a court order change. He stated that they would not allow anything less than 50 feet.

Engineering Consultant Gulbranson stated that in terms of everything being inside, like the automotive restoration or auto repair shop, it is an important issue for the Planning Commission. It needs to be inside and not spilling out into the parking lot. Mr. Engel advised Mr. Florek that this would be something that could be put in the rental agreement.

Engineering Consultant Gulbranson asked Vista Design to go over the Conceptual Plan as far as the general layout and include apartments are being proposed. Mr. Engel stated that after the meeting with Town Administrator Brought and Engineering Consultant Gulbranson he suggested to Mr. Florek that it would be great to incorporate apartments above some of these office buildings. The apartments would be above the front two buildings and they have incorporated a court yard for the renters of the apartments. The buildings are an average of 6600 square feet possibly and there would be six apartments above each building for a total of twelve apartments. Co-Chairperson Flowers asked if there are two people in each apartment, would there be enough parking if each person has their own car. Mr. Florek stated yes, two spaces per apartment have been allotted. Commissioner Savage stated that he noticed there isn't a loading dock on buildings one and two. Mr. Engel stated that was because it was a last minute change, but they can easily be added on. Chairman Connor asked how specific the Code was for the Town Center District in regard to apartments. Engineering Consultant Gulbranson stated that Town Center District states that you can have apartments or condominiums above commercial space and that they have to be 1,000 square feet. The Conceptual Plan does meet Town Code and the only obstacle is the tax ditch easement, which they stated has been resolved other than paperwork. If the uses get resolved, they should be able to move forward.

Chairman Connor asked if Mr. Florek would be ready to move forward once those were resolved. Mr. Florek stated that "yes" and that it would be a three phase project. The middle buildings would be Phase I, and then in two to four years down the road would be Phase II and eventually the front two buildings would be Phase III. Chairman Connor asked if this would be a gradual project due to cost and Mr. Florek stated, "yes."

Engineering Consultant Gulbranson asked for P&Z Commission to have a list drafted of recommendations additions and/or deletions of permitted uses in the Town Center District to submit to the Town Council for their approval and a possible Public Hearing scheduled at November's meeting.

VI. Public Comment:

Anthony Lorenz, 29198 Shady Creek Lane, asked where the Seabreeze Business Park is going to be located. Engineering Consultant Gulbranson stated that it is on Clayton Street just beyond the railroad tracks behind the Growmark warehouse. Mr. Lorenz stated that as a town resident, if when the Planning & Zoning Commission is drafting the list, could they keep in mind the quality of life issues like lighting, noise, and traffic.

Mr. Lorenz asked if it would be possible to get a sign to not block the intersection at Woodlands of Pepper's Creek and Main Street. Engineering Consultant Gulbranson stated that would be a Del-DOT issue.

VII. Adjournment:

Commissioner Savage made a motion to adjourn. Commissioner Gallimore seconded the motion. All were in favor.

Meeting was adjourned at 6:51 p.m.

Respectfully Submitted,
Stacy West, Town Clerk